*[Translation from Bulgarian]*

**Approved by:**

**HEAD OF THE**

**PROGRAMME OPERATOR**

**FINANCIAL MECHANISM OF THE EUROPEAN ECONOMIC AREA 2014-2021**

**MINISTRY OF ENERGY**

**RENEWABLE ENERGY, ENERGY EFFICIENCY, ENERGY SECURITY PROGRAMME**

**Call for Project Proposals**

**On the use of geothermal energy for heating or for heating & cooling**

**in state or municipal buildings**

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| **APPLICATION GUIDELINES**  **under an open call procedure** |

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# RENEWABLE ENERGY, ENERGY EFFICIENCY, ENERGY SECURITY PROGRAMME

The Renewable Energy, Energy Efficiency, Energy Security Programme (the “Programme”) is funded by the European Economic Area Financial Mechanism (EEA Grants) 2014-2021. The Ministry of Energy is designated as the Programme Operator (PO) of the Programme with the signing of the Memorandum of Understanding on the implementation of the European Economic Area Financial Mechanism 2014-2021 on 09 December 2016. The Programme is implemented in partnership with the Norwegian Water and Energy Directorate (NVE) and the National Energy Authority of Iceland (OS).

The main objective of the Programme is to reduce carbon intensity and increase security of supply by achieving the following results:

* Increasing the production of energy from renewable sources;
* Improving energy efficiency in buildings, industry and municipalities;
* Raising expertise in renewable energy, energy efficiency and energy management.

# LEGAL AND INSTITUTIONAL FRAMEWORK

## **PROGRAMME DOCUMENTS**

* Agreement between the European Union and Iceland, the Principality of Liechtenstein and the Kingdom of Norway on EEA Grants 2014-2021;
* Regulation on the implementation of the Financial Mechanism of the European Economic Area 2014-2021 (the “Regulation”);
* Memorandum of Understanding on the Implementation of the Financial Mechanism of the European Economic Area 2014-2021 between the Republic of Bulgaria and the Republic of Iceland, the Principality of Liechtenstein and the Kingdom of Norway, signed on 9 December 2016, ratified by a law adopted by the 43rd National Assembly on 13 January 2017 (Official Gazette, issue 8 of 2017), (Memorandum);
* Programme Agreement between the Financial Mechanism Committee and the National Focal Point of the Republic of Bulgaria for the financing of the Renewable Energy, Energy Efficiency, Energy Security Programme, signed on 21 June 2018;
* Programme Implementation agreement for the Renewable Energy, Energy Efficiency, Energy Security Programme between the National Focal Point and the Ministry of Energy, signed on July 27, 2018;
* Bilateral Guidelines, EEA Grants and Norway Grants 2014-2021;
* Communication and Design manual, EEA and Norway grants 2014-2021.

The documents described are available on the EEA Grants website <http://eeagrants.org> and on the EEA Grants in Bulgaria website ([www.eeagrants.bg](http://www.eeagrants.bg)).

## **EUROPEAN UNION LAW**

European Union law is applicable whenever there is no provision in a programming document or national legislation on a particular issue or when a given European Union act takes precedence over a relevant national act, including but not limited to:

* State aid law - Regulations, Decisions, Guidelines, etc.;
* Commission Decision of 14.5.2019 laying down the guidelines for determining financial corrections to be made to expenditure financed by the Union for non - compliance with the applicable rules on public procurement.

## **NATIONAL LEGISLATION**

National legislation is applicable whenever there is no provision in the programming documents on a specific issue or there is no EU act with priority over a relevant national act.

National legislation includes the national legislation and regulations in the Republic of Bulgaria in the field of administrative law and procedure, contractual relations, ownership, settlement of civil disputes, public procurement, state aid, taxation, accounting and other applicable areas, including but not limited to:

* Law on the ratification of the Memorandum of Understanding on the implementation of the European Economic Area Financial Mechanism 2014-2021, between the Republic of Bulgaria and Iceland, the Principality of Liechtenstein and the Kingdom of Norway;
* Value Added Tax Act and Regulations for the Application of the Value Added Tax Act;
* State Aid Act and Regulations for the Application of the State Aid Act;
* The Administrative Procedure Code;
* Civil Service Act;
* Law on Public Procurement and Rules for Application of the Public Procurement Act;
* Law on counteracting corruption and seizure of the illegally acquired property;
* Public Finance Act;
* Accountancy Act;
* Financial Management and Control in the Public Sector Act;
* Public Internal Audit Act;
* Ordinance laying down the conditions, procedure and mechanism for functioning of the information system for management and monitoring of the funds from the European structural and investment funds (UMIS) and for conducting proceedings before the managing authorities through UMIS;
* Ordinance on Salaries of the Employees in the State Administration;
* Ordinance on the business trips in the country;
* Ordinance on the official business trips and specializations abroad.

As part of the legal framework, other national rules also apply, including but not limited to:

* National accounting standards applicable to budget organizations;
* Chart of accounts of budgetary organizations;
* Instruction of the Ministry of Finance DNF No. 3 of 23.12.2016 on the treatment of value added tax as eligible expenditure in the implementation of projects under the Operational Programmes co-financed by the European Regional Development Fund, the European Social Fund, the Cohesion Fund of the European Union and the European Maritime and Fisheries Fund for the 2014-2020 programming period.

## INSTITUTIONAL FRAMEWORK FOR MANAGEMENT OF THE EUROPEAN ECONOMIC AREA FINANCIAL MECHANISM 2014-2021

### Institutional framework at the level of donor countries

* **FM Committee (FMC)**

The FMC is the decision-making body on the EEA contribution. The FMC was established by the Permanent Committee of the EFTA States and consists of representatives of the Ministries of Foreign Affairs of the Kingdom of Norway, Iceland and the Principality of Liechtenstein. The Committee takes decisions on the provision of grants, adopts Regulations on the Implementation of the EEA Financial mechanism 2014-2021 and amendments thereto. Where necessary, the Committee approves additional guidance on the management and implementation of the Programme.

* **FM OFFICE (FMO)**

The FM office is the body that assists the FMC in managing the EEA Grants 2014-2021. The FMO, which is administratively part of the EFTA, is responsible for the day-to-day implementation of the EEA Grants 2014-2021 on behalf of the FMC and acts as a contact point.

### Institutional Governance Framework at national level

* **National Focal Point (NFP)**

The Central Focal Point Directorate in the Administration of the Council of Ministers performs the functions of the National Focal Point (NFP) under the EEA Grants 2014 - 2021. The director of the Central Focal Point Directorate performs the functions of the Head of the National Focal Point.

The National Focal Point is responsible for the achievement of the objectives of the EEA Grants as well as for the implementation of the financial mechanisms in the Republic of Bulgaria.

The National Focal Point also performs the functions of an irregularity body, according to Art. 5.2 of the Regulation.

* **Certifying Authority (СA)**

The National Fund Directorate performs the functions of the Certifying Authority (CA) under the Renewable Energy, Energy Efficiency and Energy Security Programme in accordance with Appendix A, National Management and Control Systems from the EEA Grants Memorandum of Understanding 2014- 2021. The National Fund Directorate is an administrative unit within the Ministry of Finance of the Republic of Bulgaria.

The roles and responsibilities of the CA are defined in the functional description of the National Fund Directorate as well as in the Procedural Manual in accordance with Art. 5.4 of the EEA Grants 2014-2021 Implementation Regulation.

* **Audit Authority (AA)**

Audit Authority is the Audit of EU Funds Executive Agency (IAECA) to the Minister of Finance of the Republic of Bulgaria. The Executive Agency is a subordinate budget manager to the Minister of Finance and is managed by an Executive Director.

The Executive Agency carries out its audit work in accordance with internationally recognized audit standards and, in accordance with national law, applicable EU and international agreements on EU funds, the Regulation and the Memorandum of Understanding on the implementation of EEA Grants 2014 - 2021, to which the Republic of Bulgaria is a party.

The audit authority performs the tasks described in the relevant regulations, and in particular under Art. 5.5 and Art. 5.7 of the Regulation.

# GENERAL AND HORIZONTAL PRINCIPLES

There are several key principles and values within the EEA Grants 2014-2021, including the principles of good governance, sustainable development, gender equality and non-discrimination, and zero tolerance to corruption. These principles are integrated into the Renewable Energy, Energy Efficiency and Energy Security Programme and shall be followed in all projects.

***Transparency*** and openness are key to all cooperative activities and are mandatory at all levels.

***Partnership and cooperation*** between Bulgarian legal entities and legal entities from the donor countries are an essential element, especially in the identified priority areas, where donor countries (The Kingdom of Norway, Iceland and The Principality of Liechtenstein) contribute concrete experience and know-how.

***Publicity*** is an important aspect. All parties shall actively inform about their cooperation.

All supported initiatives need to promote the **following horizontal principles**:

* be based on the common values ​​of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities;
* follow the principles of good governance, involvement and inclusion of all stakeholders in the different phases of project development and implementation, including accountability, transparency, effectiveness and efficiency of project activities;
* be in line with the principles of sustainable development, long-term economic growth, social cohesion and environmental protection.

In each project proposal under item 11 of the Application Form, Applicants shall provide information on the compliance of the project proposal with the stated principles. Implementation of the horizontal principles laid down in the project will be monitored at the implementation stage of the project proposal.

# PURPOSE, INDICATORS, EXPECTED RESULTS IN THE PROJECT SELECTION PROCEDURE

The procedure for selection of projects for “Use of geothermal energy for heating or for heating & cooling in state or municipal buildings" envisages provision of grants for reconstruction of an existing system/systems and/or construction of a new system/systems for heating or for heating & cooling in a building/buildings, using geothermal energy.

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| **IMPORTANT!**  **Geothermal Energy means energy stored in the form of heat under solid soil surface, including use of ground waters, including mineral waters.**  **A system for heating or for heating & cooling in a building is a set of facilities for heating or for heating & cooling. The system for heating or for heating & cooling may also include hot water supply for the building.** |

Renewable energy policy is an essential element of the national and the European energy policy and climate change policy. The development and widespread use of renewable energy is a means of achieving the goals and priorities of the European Union for the period up to 2030, in accordance with the agreement from the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 21) in Paris and the framework policy in the field of climate and energy.

Further to the Energy Union Strategy, the institutions of the European Union have adopted the legislative Package "Clean Energy for All Europeans", which sets a new ambitious target of at least 32% share of energy from renewable sources in the gross final energy consumption by 2030. The Package has acknowledged the important role that renewables and energy efficiency play in decarbonizing the European energy system, and at the same time seeking to bring key benefits to the society as a whole - increased security of supplies, positive effects on economic growth and jobs, and reduction of energy prices for the European citizens and the industry.

In fulfillment of the commitments of the Republic of Bulgaria to contribute to the achievement of the energy and climate goals of the European Union, the National Energy and Climate Plan of the Republic of Bulgaria 2021 - 2030 sets a national target of 27.09% share of renewable energy in the gross final energy consumption by 2030. To achieve it, it is important to utilize the existing potential of renewable energy sources (RES) in an efficient and cost-effective way. Geothermal energy is a renewable energy source that is not yet fully used in the country. The most effective area for using this RES is related to the heating and /or cooling of buildings and hot water supply.

The procedure "Use of geothermal energy for heating or heating & cooling in state or municipal buildings" is meant to contribute to increasing the share of energy from RES in the gross final energy consumption and achieving decarbonizing of the buildings stock.

Project proposals under this procedure should necessarily contribute to the achievement of the following indicators for increasing RES energy generation under the Programme:

* ***Indicator 1:*** *Annual CO2 emission reductions forecast – 54 280 tCO2/year;*

The quantity of greenhouse gas emissions is defined as the expected amount of energy produced from geothermal energy and from other RES is multiplied by an emission factor of 1.18 tCO2 / MWh.

* ***Indicator 2:*** *Forecast of annual generation from geothermal energy* ***-*** *412 000 MWh/year;*

The expected annual production of energy for heating or energy for heating & cooling from geothermal energy for each project proposal is defined in the Energy Efficiency Audit Report.

* ***Indicator 3:*** *Installed capacity of the facility/facilities for heating or for heating & cooling, including hot water supply (design thermal capacity)*  *– 5 MWt.*

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| **IMPORTANT!**  **The installed capacity is the capacity of the facility/facilities defined in the investment project for heating or for heating & cooling, including hot water supply, which is achieved by the facilities provided for installation given the available potential of geothermal energy.**  **The estimated annual production of geothermal energy, as well as the installed capacity of the facility for generation of energy for heating or for heating & cooling by using geothermal energy, and the greenhouse gas emissions, defined in the Energy Efficiency Audit Report, must comply with the parameters set in the investment project. If necessary, the indicators in the Energy Efficiency Audit Report shall be updated in accordance with the parameters of the Investment Project.**  **If the Applicant participates with more than one building in which activities will be carried out for reconstruction of an existing system/systems or construction of a new system/systems for heating or for heating & cooling, indicators 1 to 3 shall be determined for each building. The total value of each project proposal indicator is the sum of the indicators for each building.** |

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| **IMPORTANT!**  **When submitting its project proposal under this procedure, each Applicant must specify their target values of indicators 1 to 3.**  **When filling in the information in Section “Indicators in UMIS 2020”, "0" is entered as a basic value for all indicators. Where applicable, the target value is defined as the difference between the expected status after the project implementation and the actual status before its implementation.** |

*For projects realized in partnership with partners from the donor countries (entities from Iceland, Norway or Liechtenstein), a survey will be administered to the project promoters by the FMO (Financial Mechanism Office – Secretariat of the EEA and Norway Grants). The survey will measure the level of satisfaction with the partnership, the level of trust between cooperating entities in Bulgaria and the donor countries, and the share of cooperating organizations that apply the knowledge acquired from bilateral partnership.*

# TARGET GROUPS:

* The target applicants for this call for proposals are described under section Eligible Applicants.
* As a result of the projects selected under this call for proposals, all citizens on the territory of the Beneficiary State (Bulgaria) or a partner and/or donor country should be the final beneficiaries (final target group).

# AMOUNT OF GRANTS AND COFINANCING RATE

***Overall budget of the project selection procedure***

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| ***Total Grant Amount*** | ***EEA Grants Contribution – 85 %*** | ***National co-financing – 15 %*** |
| **EUR 3 400 000** | **EUR 2 890 000** | **EUR 510 000** |
| **BGN 6 649 822** | **BGN 5 652 348.70** | **BGN 997 473.30** |

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| **IMPORTANT!**  **The Programme Operator reserves the right not to allocate the above amount in case of insufficient number of quality project proposals meeting the pre-defined criteria.** |

***Grant amount for a project***

The minimum and maximum grant amounts for a project under this procedure are as follows:

* Minimum amount of individual grant: EUR 200000 (BGN 391 166);
* Maximum amount of the individual grant: EUR 400 000 (BGN 782 332).

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| **IMPORTANT!**  **The project grant rate may be up to 100% of the total eligible expenditure of the project. If the Grant amount is less than 100%, any remaining costs of the project shall be provided or obtained by the project promoter, including funds from external sources, which exclude any public support. The rules for funds eligibility shall also apply to co-financing when co-financing is provided for eligible activities.**  **When the Applicant and/or its Partner participate in the project with their own contribution, this contribution shall be included in the project budget.**  **In cases where in order to achieve the objectives of the project, in accordance with the objectives of the procedure, it is necessary to perform activities that are ineligible under this procedure, but are systematically related to the eligible activities of the project, they may be included in the project proposal, by explicitly stating as ineligible activities and the need for their inclusion to be duly justified by the applicant. The necessary funds for financing these activities are at the expense of the applicant and they are indicated in the part "Ineligible costs" of the budget, in the column "Co-financing" and are part of the total value of the project proposal (project).**  **Project proposals that do not comply with requirements for minimum and maximum grant amounts shall not be eligible for financing and shall be rejected during the evaluation.**  **Under this procedure, each Applicant may submit only one project proposal.** |

# APPLICATION GUIDELINES

These Application guidelines set out the rules for submitting and selecting project proposals under this open call for proposals.

Applicants can ask questions on the Application guidelines by e-mail. Questions can be asked no later than 21 days before the deadline for submission of project proposals.

E-mail address: [eeagrants@me.government.bg](mailto:eeagrants@me.government.bg)

Questions and answers will be posted on the Programme's website, part of the EEA Grants website for the Republic of Bulgaria ([www.eeagrants.bg](http://www.eeagrants.bg)) as well as in the UMIS 2020. The Programme Operator (PO) shall answer the questions asked within 5 working days but not later than 14 days before the closing date for submission of project proposals.

Answers to questions asked by phone will not be provided. Individual replies will not be sent to questions asked by the Applicants.

All questions and answers will be submitted to the Evaluation Committee (EC) and the Selection Committee (SC) of project proposals and will be taken into account in the evaluation and selection process.

The clarifications given in the Application Guidelines cannot contain an opinion on the quality of a certain project proposal and are binding on all Applicants.

The Programme's website is part of the single information portal of EEA Grants for the Republic of Bulgaria: [www.eeagrants.bg](http://www.eeagrants.bg).

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| **IMPORTANT!**  **The Programme Operator reserves the right to make changes to the Application Guidelines in the following cases:**   * **As a result of changes in Bulgarian or European legislation;** * **As a result of changes in the national policies in the respective area, confirmed by an act of the Council of Ministers;** * **In case the financial resource is increased by the respective procedure. In these cases, only the portion showing the overall financial resource for the procedure can be changed in the Application Guidelines as the co-financing rate cannot be changed, as well as the minimum and maximum Grant rates for individual projects;** * **In order to eliminate a technical or factual error;** * **To extend the deadline for submission of project proposals.**   **The information about any changes made to the Application Guidelines will be available in UMIS 2020 system and also on EEA grants website:** [**www.eeagrants.bg**](http://www.eeagrants.bg)**, section Energy.** |

# ELIGIBLE APPLICANTS

Eligible Applicants under this procedure for selection of project proposals are the administrations to executive bodies under Art. 38, para. 1 and 2, item 1 of the Administration Act and the municipalities within the meaning of Art. 14 of the Local Self-Government and Local Administration Act.

## CRITERIA FOR APPLICANTS ELIGIBILITY

**To be eligible, the Applicant must be** a legal entity – administration to an executive body in the Republic of Bulgaria under Art. 38, para. 1 or 2, item 1 of the Administration Act or a municipality on the territory of the Republic of Bulgaria within the meaning of Art. 14 of the Local Self-Government and Local Administration Act; and

Applicants (project promoters) shall be directly responsible for the management and implementation of the project activities, and should not act as an intermediary.

## CRITERIA FOR APPLICANTS INELIGIBILITY

**Financing shall not be allowed for an Applicant:**

* Who has outstanding obligations for taxes and compulsory insurance contributions under the meaning of Art. 162, para. 2, item 1 of the Tax and Social Insurance Procedure Code and the interest thereon to the state, proven by an act of a competent authority, unless the amount of unpaid taxes or social contributions is up to 1 per cent of the amount of the annual budget for the last year, but not more than BGN 50,000.
* For which it has been established that:

(a) has submitted a document of untrue content when participating in the procedure in order to prove certain circumstances;

(b) has not provided the required information relating to the verification of certain circumstances in the procedure.

* For whom it is established by a punitive decree or a court decision that has entered into force, violation of Art. 61, para. 1, Art. 62, para. 1 or 3, Art. 63, para. 1 or 2, Art. 118, Art. 128, Art. 228, para. 3, Art. 245 and Art. 301-305 of the Labour Code or Art. 13, para. 1 of the Labour Migration and Labour Mobility Act;
* Whose representative has been convictedby a judgement in force for a crime under Art. 108a, Art. 159a - 159d, Art. 172, Art. 192a, Art. 194-217, Art. 219-252, Art. 253-260, Art. 301-307, Art. 321, 321a and Art. 352 to 353f of the Criminal Code or for a crime similar to those listed in another Member State or third country;
* For whose representative there is a conflict of interest that cannot be eliminated;
* Who has an outstanding order from the European Commission to recover the unlawful and ineligible State aid granted to them.

**When the Applicant is an administration to a collective executive authority, the requirements to the legal representative shall apply to all members of the collective body.**

## EVIDENCE OF ESTABLISHMENT OF THE ELIGIBILITY OF THE APPLICANT

The Applicant shall submit the following documents:

* Decision of consent of the executive body for the administration it heads to apply under this procedure when the applicant is a collective body, respectively a statement of consent of the executive body for the administration it heads to apply under this procedure when it is a single body, or a decision of the municipal council expressing its consent for the municipality to apply under the present procedure;
* Declaration that the Applicant is familiar with the application conditions that it will be directly responsible for the management and implementation of the project activities, as well as for verifying the identity of the two languages and for the participation of consultants in the preparation of the project proposal;
* Declaration of lack of grounds for ineligibility.

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| **IMPORTANT!**  **The decision of consent of the executive body for the administration it heads to apply under this procedure when it is a collective body, respectively the statement of consent of the executive body for the administration it heads to apply under this procedure when it is a sole body, or the decision of consent of the Municipal Council for the municipality to apply under this procedure, should be issued before the deadline specified in these application guidelines.**  **The decision/statement of consent for cooperation with the Partner(s) may be in a separate document or may be included in the decision/statement of consent for applying under this procedure. At the stage of submitting a project proposal, the Applicant shall submit a declaration of lack of grounds for inadmissibility under item 8.2 of these Guidelines and, if the project submitted by the Applicant was approved for funding before signing a Grant Contract, a check shall made to establish these circumstances on the basis of documents submitted by the Applicant or data that are publicly available or officially known by the Programme Operator.** |

# ELIGIBLE PARTNERS

## CRITERIA FOR ELIGIBILITY OF THE PARTNERS

* Any private or public legal entity, both commercial and non-commercial, as well as non-governmental organisations, established and registered as a legal entity in the donor countries, the Republic of Bulgaria, or a country outside the European Economic Area, which has a common border with the Republic of Bulgaria or any international organization or authority or agency of the person thereof who actively participates in the implementation of a project and effectively contributes to it shall be considered as eligible Project Partners.
* The Partner must have experience or expertise in the implementation of activities related to the use of RES.

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| **IMPORTANT!**  **There is no limit to the number of Partners.**  **The number of Partners does not affect the evaluation of the project proposal.**  **Additional points are given to an application that has a Partner from a donor state.**  Where the Applicant has one or more Partners, an agreement shall be concluded stating the roles and responsibilities of the individual Partners. At the stage of submitting a project proposal, the Applicant shall submit an agreement / draft agreement / letter of intent from the prospective Partner. If the project submitted by the Applicant is approved for funding before signing a Grant Contract, the Applicant shall submit a Partnership Agreement. A Partnership Agreement template (Attachment O) is attached to this call. |

The Partner participates and effectively contributes to the implementation of the project to achieve, together with the Applicant, a common economic or social task and does not perform a project activity that the Applicant assigns pursuant to the Public Procurement Act (PPA).

## CRITERIA FOR INELIGIBILITY OF THE PARTNERS

Applicants are not eligible for funding when their Partners:

* Are undertakings in difficulty (the definition of "undertaking in difficulty" is referred to in Article 2 (18) of Commission Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market pursuant to Articles 107 and 108 of the Treaty);
* Have declared bankruptcy, are insolvent or are in liquidation;
* Have suspended their activities, are subject of proceedings in connection with their activities or in any analogous situation arising from a similar procedure provided for under national laws or regulations;
* Whose representatives have been convicted by a judgement in force for fraud, corruption, involvement in a criminal organization or any other illegal activity detrimental to financial interests, without evidence that corrective measures have been taken in recent years;
* Have an outstanding order from the European Commission to recover the unlawful and incompatible state aid granted to them.

## EVIDENCE FOR ESTABLISHMENT OF ELIGIBILITY

For the establishment of the eligibility of each of the Partners, the Applicant shall provide:

* Decision of consent of the executive body that heads the Applicant for cooperation with the Partner/s when it is a collective body; respectively a statement of consent of the executive body that heads the Applicant when it is a single body for cooperation with the Partner/s , or a decision of consent of the municipal council for municipal cooperation with the Partner/s;
* Proofs that it has experience or expertise in performing activities in the field of renewable energy use;
* Proofs that there are no grounds for inadmissibility by the Partner.

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| **IMPORTANT!**  **At the stage of submitting a project proposal, the Applicant shall provide evidence of the eligibility of the Partner and a declaration of lack of grounds for ineligibility, and if the project submitted by the Applicant has been approved for funding before signing the Grant Agreement - official documents establishing the lack of grounds of ineligibility. Where applicable, the Programme Operator shall carry out an official examination unless the relevant data are publicly available or officially known by the Programme Operator.** |

# ELIGIBLE PROJECTS

**Definition:** Each project involves a number of activities that should lead to achievement of the objectives set out in this call for project proposals for grant provision.

The project proposal shall include only interventions in buildings of the state and municipal administration, located on the territory of the Republic of Bulgaria, which are not used for any economic activities. The Applicant, when it is a legal entity - administration to an executive body in the Republic of Bulgaria under art. 38, para. 1 or para. 2, item 1 of the Administration Act, should prove that it is the owner of the building (respectively each of the buildings included in the project) or that the building (respectively each of the buildings included in the project) is provided for management within the meaning of Art. 14, para. 3 of the State Property Act to the administration or the body that heads it. The Applicant, when it is a municipality on the territory of the Republic of Bulgaria within the meaning of art. 14 of Local Government and Local Administration Act, should prove that it is the owner of the building (respectively each of the buildings included in the project).

The Applicant shall submit document showing that the Applicant owns the building (respectively each of the buildings included in the project) or the building (respectively each of the buildings included in the project) has been provided for management within the meaning of Art. 14, para. 3 of the State Property Act to the Applicant or the body that heads it-when the Applicant is a legal entity - administration to an executive authority in the Republic of Bulgaria under art. 38, para.1 or 2, it.1 of the Administration Act, or a document, clearly showing that the Applicant is the owner of the building (respectively each of the buildings included in the project) - when the Applicant is a municipality on the territory of the Republic of Bulgaria within the meaning of art. 14 of the Local Self-Government and Local Administration Act.

Each of the buildings included in the project shall be used in accordance with its main non-economic purpose (for the usual functions of the respective public administration).

The Applicant shall submit Declaration that the building (respectively each of the buildings included in the project) is used in accordance with its main non-economic purpose (for the usual functions of the respective public administration).

The project proposal should include activities related to reconstruction of an existing system or construction of a new system for heating or for heating & cooling, including hot water supply, using geothermal energy. Under this procedure, the project may envisage combined use of geothermal energy with other energy sources, including RES.

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| **IMPORTANT!**  **With regard to project proposals that envisage combined use of geothermal energy with other energy resources, grants will be provided only for the facilities that will generate heat energy or energy for heating & cooling, based on geothermal energy and energy from other RES.** |

The measures that the Applicant is applying for under this Procedure shall be recommended by an Energy Efficiency Audit Report.

The Project Proposal shall include a building or buildings where basic energy efficiency measures have been implemented (outside insulation of buildings, attic/basement insulation and joinery replacement).

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| **IMPORTANT!**  **"Geothermal Energy" under this Procedure means energy stored in the form of heat under solid soil surface, including use of ground waters, including mineral waters.**  **Each Applicant can submit only one project proposal under this Procedure.**  **A project proposal may include one or more buildings and in each of them the existing system will be reconstructed or a new system will be built for heating or for heating & cooling, including hot water supply, for use of geothermal energy or for combined use of geothermal energy and other energy sources, including RES.**  **The use of geothermal energy or the combined use of geothermal energy and other energy sources, including RES, for heating or for heating & cooling, as well as the construction or reconstruction of an existing system or the construction of a new system for heating or for heating & cooling for each building shall be recommended by an Energy Efficiency Audit Report.**  **In case the project includes a building in which no basic energy efficiency measures have been implemented (outside insulation of the building, attic/basement insulation and joinery replacement), the project proposal will be rejected at the stage of administrative compliance and eligibility. In case the project includes more buildings and it is established that one or more of the buildings have fulfilled the basic energy efficiency measures (outside insulation of the building, attic/basement insulation and joinery replacement), the project proposal will be admitted to a technical and financial evaluation. During the technical and financial evaluation, all costs related to the building/s in which the main energy efficiency measures have not been implemented, are ex officio reduced. If the amount of the grant is less than EUR 200 000 after costs reducing, the project proposal will be rejected.** |

The project shall comply with the principles of economy, efficiency and effectiveness. So that a project becomes eligible for funding, the following project readiness is required:

• The Energy Efficiency Audit Report shall be prepared by a person entered in the Public Register under Art. 44, para. 1 of the Energy Efficiency Act (EEA) in accordance with the Ordinance under Art. 48 of the EEA.

For the purposes of this procedure, when conducting an energy efficiency audit, the assessment of greenhouse gas emission reductions for the measure that recommends the use of geothermal energy and other RES shall be calculated at an emission factor of 1.18 tCO2 / MWh.

• An investment project prepared in accordance with the requirements of the Spatial Development Act and the regulations to it during the technical or detailed design phase, which (where applicable) is agreed and approved in accordance with the requirements of the Spatial Development Act;

• Groundwater Intake Permit or Mineral Water Intake Permit;

• Permit for use of a groundwater site for reinjection / injection of water into groundwater sites, through existing / new facilities (if foreseen in the Water Intake Permit).

The indicators about the estimated annual geothermal energy production, about the installed capacity of the energy production facility for heating or for heating & cooling by using of geothermal energy, as well as with regard to the greenhouse gas emissions and the amount of investment costs indicated in the Energy Efficiency Audit Report, shall be in accordance with the parameters set in the investment project. If necessary, the indicators in the Energy Efficiency Audit Report shall be updated in accordance with the parameters of the investment project.

The values of the indicators about the estimated annual production of geothermal energy, about the installed capacity of the facility for production of energy for heating or for heating & cooling by using of geothermal energy, as well as with regard to the greenhouse gas emissions and the amount of investment costs, are indicated in item 11 of the Application Form.

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| **IMPORTANT!**  **The current call for project proposals is specifically aimed at increasing the share of energy from RES in the gross final energy consumption in the country and achieving decarbonizing of the building stock.**  **Each project submitted under this call for proposals must clearly describe the demarcation and/or the complementarity with activities included in such projects, which are intended to be supported by other financial instruments providing grants.** |

# TERRITORIAL RANGE AND PLACE OF IMPLEMENTATION

The projects under the Call shall be implemented on the territory of the Republic of Bulgaria, with some of the activities being implemented in the donor countries (if applicable).

# ACTIVITIES ELIGIBLE FOR FINANCING

## ELIGIBLE ACTIVITIES

***The eligible activities should be consistent with the objectives of the Programme and should lead to increase of RES energy generation.***

***Under this Procedure, the following activities carried out by the Applicant are eligible for funding:***

* Water pumping and reinjection drilling;
* Supply and installation of water intake facilities, construction of a supply pipeline/s connecting the building/s to the borehole/s or to the existing water supply infrastructure or to any other equipment required in connection with the source of geothermal energy;
* Dismantling of existing equipment;
* Delivery and installation of a thermal pump/thermal pumps;
* Supply and installation of facilities for reconstruction of an existing system or for the construction of a new system for heating or for heating & cooling, for the use of geothermal energy and energy from other RES, including heat exchangers, pumps, radiators, convectors, pipe fittings, etc.;
* Performing of civil and installation works directly related to water pumping and reinjection drilling, reconstruction of an existing system or the construction of a new system for heating or for heating & cooling, for the use of geothermal energy and energy from other RES;
* Supply and installation of new metering and control devices of heat energy consumption;
* Construction supervision;
* Designer's supervision;
* Project management;
* Exchange of experience, knowledge and best practices at management and expert levels, training provided by the Partner from a donor country;
* Visits to Bulgaria by the Partners from donor countries and visits to a donor country of the Beneficiary/Partner/Partners;
* Awareness and publicity activities.
* Audit.

***Under this Procedure, the following activities carried out by a Partner/Partners are eligible for funding:***

* Exchange of experience, knowledge and best practices at management and expert levels provided by the Partner;
* Visits to a donor country of the Beneficiary/Partner/Partners and visits to Bulgaria by the Partners from donor countries.

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| **IMPORTANT!**  **Information, publicity and audit activities are mandatory for each project.**  **The Applicant shall submit an Information and Communication Plan to the Application Form in the "Additional Information Required for Project Proposal Assessment" section, following the requirements of the EEA Grants and Norway Grants Communication and Design Manual for 2014-2021 (Appendix C) and Section 2.3 of Annex 3 of the Regulation.**  **The cost of project audit should be provided as an expense in the Project Budget (item 5 of the Application Form).** |

## INELIGIBLE ACTIVITIES

The following types of activity are ineligible:

* Implementation of measures not recommended by the Energy Audit;
* Activities the implementation of which has started before the submission of the project proposal;
* Activities carried out after the deadline for implementation of the project activities;
* Activities already funded by other public sources;
* Purchase of long-term second-hand assets and fixed assets not first registered by the aid recipient;
* Purchase of machinery/equipment and intangible fixed assets that are not directly related to the achievement of the project objectives or are not necessary for the implementation of the measures included in the Energy Audit;
* Consultancy services for the development of the project proposal;
* Any activities that are not among those mentioned in item 12.1. as eligible;
* Consultancy, legal and accounting services of a general nature;

## RISK ANALYSIS

All activities funded under EEA Grants 2014-2020 must follow the risk assessment and performance approach. Applicants are required to submit a risk analysis for the project in the "Additional information needed to evaluate the project proposal" in the Application Form. The risk analysis shall contain information on:

* The main financial, human, material, technological and information resources needed to implement the project activities and ensure the sustainability of its results;
* The possible risks, the probability of their occurrence and the impact they would have on achieving the project results;
* The measures that the Applicant envisages to take to ensure the availability of the necessary resources and to avoid, mitigate, transfer or accept and manage the identified risks.

When completing the Application Form, the Applicant shall not need to present all the possible risks, but should focus on the main institutional, operational and financial risks to ensure the achievement and long-term sustainability of project results.

# CATEGORIES OF COSTS ELIGIBLE FOR FINANCING

## CONDITIONS FOR COSTS ELIGIBILITY

To be eligible, costs under this call for project selection procedure shall meet the following criteria:

* To be actually carried out by the Beneficiary or its Partner during the implementation of the project within the agreed duration of the project and in any case not later than 30.04.2024;
* To occur between the first and last eligible dates for a project under the Grant Contract;
* To be directly related to the subject matter of the Grant Contract and match the approved budget for the project implementation, respectively the budget allocation for the particular Partner;
* To be necessary and proportionate to the implementation of the activities eligible under the project, and the reporting of the implemented activities to be documented;
* To be made solely for the purpose of achieving the objectives and expected results of the project implementation in a manner consistent with the principles of economy, efficiency and effectiveness;
* To be certified by the necessary cost-proving documents (invoices, contracts or other accounting documents), documents for payments made in accordance with the applicable legislation, as well as documents proving the performance of the activities;
* To be reflected in the Beneficiary's or its Partner(s)’ accounts or records in accordance with the Accountancy Act and applicable accounting standards and principles;
* To meet the requirements of tax and social security legislation;
* The Beneficiary's and its Partners' accounting and internal control system must allow direct identification and verification of the declared revenue and costs of the project. Project revenue and expenditure should be segregated separately and allow traceability of all economic operations under the project and the preparation of standalone reports for project purposes only.

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| **IMPORTANT!**  **The budget (item 5 of the Application Form) in the Application Form must reflect the eligible costs. Costs that are ineligible shall be removed from the project budget ex-officio at the technical and financial evaluation stage. With regard to costs for which double funding has been established, the Evaluation Committee shall take a reasoned decision to reject the project proposal.**  **In the cases where the Evaluation Committee removes all costs related to the use of geothermal energy from the project budget, the project proposal will be rejected. In the cases where in order to achieve the project goals, in accordance with the objectives of the procedure, it is necessary to perform activities that are not included in the eligible activities under this procedure, but are systematically related to the activities eligible under the project, they may be included in the project proposal, being explicitly indicated as additional activities and the need for their inclusion shall be duly justified by the Applicant. The necessary funds for financing these activities shall be at the expenses of the Applicant and they should be included in Section VI of the budget in item "Ineligible costs", in column "Cofinancing" and shall be part of the total project proposal (the project).**  **The technical and financial evaluation of the project proposals shall also include checking and evaluating the feasibility, effectiveness and eligibility of all activities and costs envisaged (see paragraph 17.3 Technical and Financial Assessment).** |

Costs shall be considered to have occurred when they were invoiced, paid, and their subject-matter was executed. Exceptionally, costs invoiced during the last eligibility month will also be considered as incurred within the eligibility period if they are paid within 30 days of the final date of eligibility of project costs. The Beneficiary's accounting principles and procedures must be organized in such a way as to allow analytical accounting of the funding received and the costs of the Project and easy access to primary accounting documents.

Cost eligibility requirements, types of eligible costs, and how to substantiate them shall be outlined in the draft terms of the Grant Contract.

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| **IMPORTANT!**  Costs associated with the purchase of equipment shall be considered eligible, provided that the Beneficiary:  (a) ensures the sustainability of the Grant Contract results for a minimum of 5 years after completion of the project.  Within this period, the Beneficiary shall be required to fulfil its obligation not to transfer ownership of the equipment as a result of the Grant investment, not to alter the intended use of the assets acquired as a result of the project implementation, and not to conclude contracts of any kind with any third parties and / or not to perform other actions that could lead to a significant change in the results of the Project. Within this period the Beneficiary shall:  (b) insures the object against theft, intentional malicious acts of third parties, fire and other natural disasters and other relevant risks for the project period and for at least 5 years after completion of the project; and  (c) provides adequate resources for the maintenance of the funded system(s)/equipment for heating or for heating & cooling, including hot water supply. |

## ELIGIBLE COSTS

### Eligible direct costs

Eligible direct costs for the project are the costs incurred by the Beneficiary and / or the Project Partner accounted for in accordance with the usual accounting principles and internal rules of the organization as costs directly related to the implementation of the project that may be directly accounted for. Direct costs mentioned below shall be considered eligible provided that they meet the criteria set out in point 13.1:

1. Expenditure for staff working on the project, consisting of actual salaries, social security contributions and other statutory costs included in the remuneration, if this is consistent with the Beneficiary's usual policy, respectively the Partner’s remuneration policy. Staff remuneration costs shall be eligible insofar as they are related to the performance of activities that the Beneficiary would not perform if the project concerned is not implemented;
2. Travel, subsistence and accommodation costs for the Beneficiary's and Partner's staff;
3. Costs under contracts with external contractors which include:

* Provision of water pumping and reinjection drilling;
* Delivery and installation of equipment for water intake, construction of supply pipeline, connecting the building /s to the borehole/s or to the existing water supply infrastructure, or to any other equipment needed in connection with the source of geothermal energy;
* Dismantling of existing equipment.
* Supply and installation of equipment for production of energy for heating or for heating & cooling, for the use of geothermal energy and energy from other RES, including hot water supply - thermal pump/s, heat exchangers, pumps, radiators, convectors, pipe fittings, etc.;

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| **IMPORTANT!**  **The costs for supply and installation of equipment for generation of energy for heating or for heating & cooling from other RES (different from geothermal energy) are eligible up to 15% of the total costs under contracts with external contractors related to the construction or reconstruction of the system/s for heating or for heating & cooling.**  **Equipment costs shall be considered eligible at the amount of the depreciation that corresponds to the duration of the project and the extent of actual use for the purposes of the project. Where equipment is indivisible and a necessary condition for achieving the objectives and results of the project, the total cost of equipment shall be considered eligible.** |

* Carrying out of construction and installation works directly related to the construction of water pumping and reinjection drilling, reconstruction of the existing system or construction of a new system for heating or for heating & cooling, for the use of geothermal energy and energy from other RES;
* Supply and installation of new metering and control devices of heat consumption;
* Construction supervision;
* Designer's supervision.

1. Other direct costs under contracts with external contractors:

Costs arising directly from activities eligible under the project (costs for preparation of external procurement procedures, translation, audit, information and publicity activities, expenses for exchange of experience, knowledge and best practices at management and expert levels provided by the Beneficiary/Partner, etc.).

### Eligible indirect (overhead) costs

Indirect costs are all eligible costs that cannot be identified by the Beneficiary and / or the Project Partner as directly related to the project, but which can be identified and evidenced by its accounting system as costs directly related to the eligible direct costs to the project. They cannot include eligible direct costs. Indirect project costs represent a fair distribution of the overhead costs of the Beneficiary or the Project Partner.

The Beneficiaries and the Partners may identify their indirect costs according to one of the following methods:

(a) based on actual indirect costs for those Beneficiaries and Project Partners that have an analytical accounting system to identify their indirect costs as indicated above;

(b) a flat rate of up to 25% of total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the Beneficiary or the Project Partner;

(c) a flat rate of up to 15% of direct eligible staff costs without there being a requirement for the Programme Operator to perform a calculation to determine the applicable rate; or

(d) a flat rate applied to direct eligible costs based on existing methods and corresponding rates applicable in European Union policies for similar types of projects and Beneficiaries.

(e) in case the Beneficiary or the Project Partner is an international organization or agency, the indirect costs may be determined according to the indirect cost rules applied in those organizations, in compliance with the specific provisions of the Programme Agreement.

## INELIGIBLE COSTS

The following costs are ineligible:

* Interest on loans, debt service charges and penalties for late payments;
* Fees for financial transactions and other purely financial costs, except costs related to accounts required by the FMC, the National Focal Point or the applicable law and costs of financial services imposed by the project contract; ;
* Provisions for losses or possible future liabilities;
* Currency exchange losses;
* Refundable VAT;
* Costs covered by other sources;
* Fines, penalties and litigation costs, except where an appeal is necessary and an integral part of the achievement of the project's objectives;
* Excessive or reckless spending;
* Any costs not covered by the eligible activities, including costs not described in the Application Form, or if it is not possible to assess for which activity the report it is presented.

**IMPORTANT: Costs for facilities that will produce heat or heat and cooling energy based on non-renewable energy sources are not eligible. In case the project proposal envisages combined use of geothermal energy with other energy sources, the costs are eligible only for the facilities that will produce heat or heat and cooling energy based on geothermal energy and energy from other renewable energy sources.**

**IMPORTANT: In cases where in order to achieve the objectives of the project, in accordance with the objectives of the procedure, it is necessary to perform activities that are not included in the eligible activities under this procedure, but are systematically related to the eligible activities of the project, they may be included in the project proposal, being explicitly indicated as additional activities and the need for their inclusion to be duly justified by the Applicant. The necessary funds for financing these activities are at the expense of the Applicant, they should be included in Section VI of the budget in the item "Ineligible costs", in the column "Co-financing" and are part of the total value of the project proposal (project).**

## BUDGET OF THE PROJECT PROPOSAL

The budget of the project proposal shall include eligible direct costs and eligible indirect costs. The Budget is structured in sections, items and lines.

In the Application Form, the budget shall be drawn up in BGN. The values ​​and unit prices shall be rounded to the second decimal place. Any eligible expenditure must be a separate budget item or budget line. The costs of the Applicant, the Beneficiary and the Partner (in case they spend money) should be broken down in separate items.

The treatment of VAT as a non-recoverable cost eligible for project implementation is given in the Instruction of the Ministry of Finance DNF No. 3 of 23.12.2016 on the treatment of value added tax as eligible expenditure in the implementation of projects under the Operational Programmes co-financed by the European Regional Development Fund, the European Social Fund, the Cohesion Fund of the European Union and the European Maritime and Fisheries Fund for the 2014-2020 programming period. The Applicant should complete the Declaration on VAT status (Appendix J). Where VAT is irrecoverable, non-recoverable VAT shall be included in the value of the respective budget line.

The Applicant shall justify any intended spending by including a short text description in the Application Form and refer to it in the relevant activity.

For the purposes of spending planning, the exchange rate of 1 euro = 1.95583 BGN shall be used.

In order to determine the intensity of the grant in case the Applicant / Partner provide own contribution to the eligible costs of the project, this contribution should be proportionally distributed among all eligible costs of the Applicant or the Partner respectively.

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| **IMPORTANT!**  When drafting the budget, it shall be taken into account that it shall be spent in compliance with the rules of the Public Procurement Act and its implementing acts.  Applicants shall ensure that, according to the national legislation mentioned, the procedure for conducting the procedures for designating a contractor(s) shall be determined on the basis of the value and the subject of the service or the supply, regardless of the budget item in which the corresponding costs are foreseen. No division of the subject matter of the service or supply is permitted in order to circumvent the application of the aforementioned statutory instruments.  The Applicant shall bear full responsibility for the accuracy of the financial information presented in the budget. |

**Section I: Staff costs**

**Budget items: Costs for the Beneficiary’s staff and costs for the Partner’s staff**

The staff costs involved in the project consist of actual wages, social security contributions, and other statutory costs included in the remuneration if this is consistent with the Applicant's or Partner's routine policy as regards remuneration. Staff remuneration costs shall be considered eligible insofar as they are related to the performance of activities that the Applicant would not perform if the Project concerned is not implemented. In determining the applicant's remuneration, the relevant Bulgarian legislation applies.

**The Partner's remuneration (if applicable) shall be scheduled in accordance with the policy of the Partner.**

The costs of the Applicant and the costs of the Partner shall be filled in separate budget items.

**Section II: Costs for hosting and participating in events**

**Budget items: Travel costs of the Beneficiary / Travel costs of the Partner**

These budget item include travel, subsistence, and accommodation costs for Applicant and Partner employees (if applicable).

The costs of the Applicant should be in accordance with the Ordinance on business trips in the country and the Ordinance on business trips and specializations abroad.

Determining the cost of the Partner's travel costs (if applicable) shall be in line with its usual policy.

The Applicant shall substantiate the estimated travel costs of the Beneficiary and the Partner (if applicable) in the country and abroad in the Application Form,otherwise, the Evaluation Committee will ex officio remove the relevant costs from the project budget.

The costs of r the Applicant and the costs of the Partner shall be filled in separate budget items.

**Section III: Tangible assets costs**

**Budget items: Costs on outsourcing contracts relating to the construction and/or reconstruction of a system/s for heating or for heating & cooling in a building/s, including hot water supply.**

In this budget item the Applicant fills in the eligible costs for supply, installation and dismantling of equipment related to the construction and/or reconstruction ofthe system/s for heating or for heating & cooling, including hot water supply, in the building/s), as well as the eligible construction works directly related to them. The Applicant shall segregate separate budget lines for the activities, envisaged in the Project, for each building.

The costs in Section III are only eligible for the Applicant.

**Section IV:** **Service costs**

Costs for services, related to the construction and/or reconstruction of a system/s for heating or for heating & cooling, including hot water supply, in a building/s, as well as the preparation of outsourcing procedures, are only eligible for the Applicant and shall be filled in under separate budget items, namely:

* Budget item: Costs of construction supervision;
* Budget item: Costs of author's supervision.
* Budget item:Costs forpreparation of outsourcing procedures.

The costs for services under contracts with external contractors may be related to translation, audit, information and communication activities, costs of sharing experience, knowledge and best practices at management and expert levels, as well and other relevant costs that have been shown to be mandatory and indivisible in the implementation of the Grant Contract. They are eligible for the Applicant and the Partner. Such costs shall be segregated in separate budget lines under the following budget items:

* Budget item: Other direct costs under contracts with external contractors of the Beneficiary
* Budget item: Costs of the Partner for translation, information and communication activities, sharing experience, knowledge and best practices at management and expert levels.

**Section V: Indirect costs**

When the Applicant decides to request the financing of indirect costs with the project proposal, it should note this in the Application Form and reflect it in a separate budget item of the project budget, separately for the Applicant and the Partner. The title of the respective budget item shall also indicate the chosen method of calculation of indirect (overhead) costs of the Project promoter and the Partner under p. 13.2.2. of the Application Guidelines.

When approving the project proposal, it shall be noted in the Grant Contract whether the Beneficiary and the Partner will incur indirect costs.

**Section VI: Ineligible costs**

This section includes costs that are not included in the eligible costs under this procedure, but are systematically related to the eligible project activities. These costs shall be filled in the "Cofinancing" column and shall be part of the total value of the project proposal (the Project).

## PAYMENTS

The following payments shall be made under a signed grant contract:

* Advance payment
* Interim payment/s
* Final payment

All payments will be made in BGN.

The advance payment shall be up to 30 % of the amount of grant and shall be made within 1 month after providing request for advance payment in UMIS 2020 together with the following documents:

1. Promissory note for the amount equal to the amount of the advance;

2. Financial identification;

3. Declaration for de minimis aid the Partner (if applicable)

Interim payment shall be made after providing in UMIS 2020 a request for interim payment within 10 working days after the approval of the Interim report. The total amount of interim payments shall not exceed 80 % of the grant.

The interim report shall include:

1. Interim Financial Report:

* Part A – a statement of the costs actually incurred and paid by the Beneficiary;
* Part B – estimates that are calculated on the basis of the necessary planned funds for the next period, reduced by the unused balance from previous periods.

2. Interim Technical Report:

* Part C- provides information on the progress in achieving results and indicators.

A final payment shall be made after submitting a request for final payment through UMIS 2020 within 10 working days after approval of the final report.

The final payment will be calculated by deducting the advance and interim payments made from the total eligible and verified costs covered by the project grant.

# APPLICABLE DE MINIMIS AND STATE AID SCHEME

The provision of public resources, including the Grant under this procedure, must comply with the State aid rules, taking into account the principle of inadmissibility of State aid and the possible compatibility hypotheses envisaged by the Treaty on the Functioning of the European Union, the Regulations and the national legislation.

## For applicants

**Non-Aid Regime**

The procedure "Use of geothermal energy for heating or for heating & cooling in state or municipal buildings" is aimed at increasing the share of energy from RES in the gross final energy consumption and achieving decarbonizing of the building stock. Cooperation is envisaged with Partners from Iceland, the Kingdom of Norway and the Principality of Liechtenstein, who have many years of experience in the use of geothermal sources and would contribute to the introduction of innovative approaches and best practices for energy efficiency.

The Renewable Energy Sources Act (RESA) regulates public relations concerning production and consumption of:

1. electricity, heat energy and cooling energy from RES;

2. gas from RES;

3. biofuels and renewable energy in transport.

According to Art. 8 of RESA, the regional governor should ensure the implementation of the state policy for promotion of production and consumption of electricity, heat and cooling energy from RES, production and consumption of gas from RES, as well as production and consumption of biofuels and energy from RES in transport, on the territory of the region, as well as to coordinate the related activities.

The Mayors of the municipalities develop municipal long-term and short-term programmes for promoting the use of energy from renewable sources and biofuels in accordance with the National Action Plan for Energy from Renewable Sources and submit them to the Municipal Councils for their approval.

Art. 11, para. 2 of RESA requires from the state authorities and local governments to take measures in order to ensure so that from 1 January 2012 the new public service buildings, as well as the existing public service buildings in which reconstruction, major renovation or major repair is carried out, serve as a model for achieving the objectives of RESA. This obligation may be fulfilled by complying with the standards for residential buildings with zero energy consumption or by ensuring the use of the roofs of such buildings or mixed-use buildings, including public services, by third parties for installations generating energy from renewable sources.  
It should be noted that according to the provisions of Art. 20, para. 1 of RESA, in case of construction of new buildings or reconstruction, major renovation or major repair of existing buildings, installations for production of energy from RES shall be put into operation where this is technically possible and economically feasible. Art. 20, para. 2 of RESA requires that at least 15 % of the total amount of heat and cooling energy required for the building should be produced from RES by introducing:

central heating, using biomass or geothermal energy;

individual equipment for burning biomass with effectiveness of transformation at least 85% in residential and commercial buildings and 70% in industrial buildings;

solar thermal installations;

thermal pumps and surface geothermal systems.

In addition, Art. 20, para. 3 of RESA stipulates that in the preparation of investment projects for new buildings or for reconstruction, major renovation or major repair of existing buildings, analyses should be made in the Energy Efficiency Part and in the survey for energy efficiency regarding the possibilities for the use of energy from renewable energy to prove the technical feasibility and economic feasibility under para. 1. The analysis of the possibilities for use of energy from RES is part of the evaluation of the indicators for annual energy consumption in the building.  
The Energy Efficiency Act (EEA) regulates public relations concerning the implementation of the state policy for increasing energy efficiency.

In accordance with Art. 12, para. 1 of EEA, “State policy in the field of energy efficiency shall be implemented by all governmental and local bodies.”.

The Beneficiaries determined under the procedure are executive institutions or municipalities on the territory of the Republic of Bulgaria.

The State Property Act (Article 14 of the SPA) introduces responsibility to the ministers and heads of other departments to manage the properties and chattels - state property, conceded to them, in compliance with their designation for the needs for which they are ceded, with due diligence. The management of sites, properties and chattels - state property, includes the right of the departments and legal entities on budget support to own, use and maintain them on behalf of the state, at their own expenses and responsibility. According to Art. 15 of the SPA “Properties – state property, shall be conceded gratuitously for management to the departments and the municipalities under conditions and by order, determined with the regulation for implementation of the Act”.

Article 31 of the EEA defines the energy efficiency requirements for each investment project, specifying that the investment projects for construction of buildings must comply with the technical, environmental and economic feasibility of alternative high-efficiency installations and systems for the use of:

* decentralized systems for generation and consumption of energy from renewable sources;
* cogeneration plants of heat and electricity
* central or local heating and air-conditioning systems, as well as such fully or partially using energy from renewable sources;
* thermal pumps.

The activities planned under this procedure are meant for reconstruction of an existing system or construction of a new system for heating or for heating & cooling, including hot water supply, for the use of geothermal energy in a site/s that are not used and operated and are not planned to be used and operated in an economic manner. Energy efficiency interventions are only aimed at buildings owned by the central and territorial administration (municipalities). Given the fact that they are not used for economic activities, the central and territorial administrations act in their capacity as public bodies and do not represent enterprises within the meaning of Art. 107 of the Treaty on the Functioning of the EU.

According to item 17 of the Commission Notice “Commission Notice on the concept of state aid according to Art. 107, para. 1 of the TFEU”, Art. 107, para.1 of the TFEU does not apply when the State acts in exercising of "public powers" or where public legal entities act in their "capacity as public authorities". An entity may be considered to be acting in exercising public powers when the activity constitutes a task which forms part of the principal functions of the State or is related to those functions by its nature, purpose and the provisions to which it is subject.

The subject of interventions under this procedure is a non-economic infrastructure, as the funded buildings are owned by public authorities, which use them to perform their usual functions. In these cases, the grant under this procedure does not constitute state aid, as it serves for exercising of public powers by the relevant authorities.

In addition, the beneficiaries must prove that the project interventions will be carried out in a building that is used according to its main non-economic purpose (for performing the usual functions of the respective public administration). This fact shall be certified by the Applicant with a declaration (Appendix H of the application guidelines, part "Eligible Applicants"). Beneficiaries whose interventions under the project are carried out in a building that has objects for economic purposes are not eligible under this procedure.

In the cases where the Applicant – a state institution or municipality, does not use the eligible for financing sites for carrying out of economic activities, including, but not limited to: not renting them or no activities are carried out by traders and/or freelancers in them, they should not be considered as recipients of state and/or de minimis aid.

According to para. 203 of the Commission Notice, public financing of infrastructure not intended for commercial operation is in principle excluded from the application of state aid rules.

With a view to the above, it can be concluded that the grant provided under these guidelines falls outside the scope of state aid rules for the Beneficiary, as it represents a transfer of funds from one public body to another, in order to fulfill legally defined powers.

The Beneficiaries under this grant provision procedure are obliged to comply with the legislation in the field of public procurement and state aid and shall not allow the funds received under the grant agreement to be provided to third parties in violation of the state aid regime. The external awarding of activities by the Beneficiary should be carried out through open, transparent, sufficiently publicized and non-discriminatory tender procedures, meeting the conditions of items 89 to 96 of the Commission Notice on the concept of State Aid referred to in Article 107, para. 1 of the Treaty on the Functioning of the European Union (2016 / C 262/01).

The state aid rules apply to each individual project proposal. The beneficiary of the grant should set up a mechanism to monitor and ensure compliance with the conditions set out in these guidelines so that it can be demonstrated at any time that the funds use complies with and does not contradict the existing national and European state aid legislations.

## For the Partners

Under this procedure for the selection of project proposals with regard to the Partners, two "non-aid" and "de minimis" regimes are implemented.

For non-business partners, they do not have economic activity, and for the purposes of the project they will not carry out economic activities, funding under these guidelines is "no aid". Where the Partners are undertakings within the meaning of the competition rules, conduct economic activities and plan to carry out economic activities for the purpose of the project, they are subject to the de minimis rules under Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (Regulation (EU) № 1407/2013), by monitoring compliance with the requirements of the Regulation and the accumulation of de minimis on the territory of the Republic of Bulgaria.

As regards the applicable ceilings and for the purposes of cumulation of aid, account should be taken of the provisions of Art. 3, para. (2) of Regulation (EU) No 1407/2013, and therefore subject to verification is the total amount of de minimis aid at the level of the single undertaking over a period of three fiscal years, on the territory of the Republic of Bulgaria.

The ceilings referred to in paragraph 2 shall apply regardless of the form and purpose of the de minimis aid and no matter whether the aid granted is financed in whole or in part by EU funds. The period of three fiscal years shall be determined according to the fiscal years used by the relevant enterprise.

The assistance under this procedure is transparent, since it is a grant under Art. 4, para. 2 of Regulation (EU) № 1407/2013. All values used are in gross terms, i.e. before taxes or other charges.

The Partner(s) may spend funds only on the eligible activities described in paragraph 12.1. above.

The amount of funding for Partners, as well as the de minimis aid granted under this procedure, will be included in the Grant Contract.

Where support is de minimis, partners who fall under the exceptions in Regulation (EU) No 1407/2013 and specifically when their activity or activities for which they apply for funding are outside the scope of de minimis aid, such partners are not eligible for participation in the procedure:

1. Aid granted to undertakings active in the fisheries and aquaculture sector covered by Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organization of the markets in fishery and aquaculture products (OJ L 17, 21.1.2000, p. 22);

2. Aid granted to undertakings active in the primary production of agricultural products;

3. Aid granted to undertakings active in the processing and marketing of agricultural products in the following cases:

* where the amount of the aid is fixed on the basis of the price or quantity of such products purchased from primary producers or put on the market by the undertakings concerned;
* where the aid is conditional on being partly or entirely passed on to primary producers.

4. Aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;;

5. Aid contingent upon the use of domestic over imported goods, may apply, respectively be subject to assistance, only if they prove that they meet the requirements of Art. 1, para. 2 of Regulation (EU) № 1407/2013.

Where an undertaking carries on business in the sectors referred to above, as well as in one or more of the sectors or activities covered by Regulation (EU) No 1407/2013, it shall apply to the aid granted to the one or more sectors concerned and under the condition that there is a division of activities or cost differentiation for the undertaking in such a way as to ensure that activities in excluded / ineligible sectors and activities do not benefit from de minimis aid granted under Regulation (EU) № 1407/2013.

The procedure does not provide assistance to a Partner when its disbursement results in violation of the provisions of Regulation (EU) No 1407/2014, including Art. (1) (c), (d) and (e) of the Regulation. This de minimis aid shall not be used for the acquisition of road freight transport vehicles.

In order to verify that the Partner(s) are carrying out their economic activities in the eligible sectors, the Applicant must submit together with the project proposal for each Partner a certificate of economic activity code based on data for the last completed financial year issued by the National Statistical Institute or an equivalent document for foreign Partners for the last completed fiscal year.

The eligibility of Partners created / registered within the current calendar year shall be certified by the declared data in the Statement of de minimis and State Aid.

The classification of economic activities 2008 (NACE.BG-2008) or the NACE classification shall be used to determine eligibility.

According to Art. 2, par. 2 of Regulation (EU) No 1407/2013 “single undertaking" includes, for the purposes of this Regulation, all enterprises having at least one of the following relationships with each other:

1.one enterprise has a majority of the shareholders’ or members’ voting rights in another enterprise;

2. one enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;

3. one enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association;

4. one enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders’ or members’ voting rights in that enterprise.

Enterprises having any of the relationships referred to in points (a) to (d) of the first subparagraph through one or more other enterprises shall also be considered to be a single undertaking.

For the purposes of this procedure, the definitions under Art. 2, par. 1 of Regulation (EU) No. 1407/2013 shall also be used.

The maximum amount of a "single undertaking" Grant shall be determined on the basis of aggregation with other de minimis received by the Project Partner for the last three fiscal years, with cumulative aid not exceeding the equivalent of EUR 200,000 (BGN 391,166) (EUR 1 = BGN 1,95583), and in case the Partner carries out activities in the automotive freight sector, this amount is EUR 100,000 (BGN 195,583). The maximum amount of aid for the same undertaking, together with the other de minimis aid received, cannot exceed the BGN equivalent of EUR 200,000 (BGN 391,166) over three financial years (two previous plus the current year).

The de minimis aid shall be deemed to have been received from the moment of the conclusion of the contract for its provision.

The aid granted under this procedure may be cumulated with "de minimis" aid:

5. Granted pursuant to Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid for undertakings providing services of general economic interest L 114, 26.04.2012), the applicable threshold for the accumulation of the de minimis aid is the BGN equivalent of EUR 500 000;

6. Granted under Regulation (EU) No 1407/2013 may be cumulated with the de minimis aid granted under Commission Regulation (EU) No 1408/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 352, 24.12.2013) and Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the fisheries and aquaculture sector (OJ L 190, 28.6.2014), by type of de minimis aid to the corresponding ceiling specified in Art. 3, par. 2 of Commission Regulation (EU) No 1407/2013.

De minimis aid shall not be cumulated with State aid granted in respect of the same eligible costs or with State aid for the same risk-financing measure if such cumulation would exceed the highest applicable aid intensity or the aid amount fixed in the specific circumstances of each case with a block exemption regulation or decision adopted by the Commission. De minimis aid, which is not granted or not due to specific eligible costs, may be cumulated with other State aid granted under a block exemption regulation or decision adopted by the Commission.

Where, with the granting of new de minimis aid, the relevant ceiling laid down in Art. 3, para. (2) of Regulation (EU) No 1407/2013, no part of this new aid can fall within the scope of Regulation (EU) No 1407/2013.

In the case of mergers or acquisitions, any previous de minimis aid granted to any of the merging companies shall be taken into account in determining whether a new de minimis aid granted to the new entity or the acquiring undertaking does not until the relevant ceiling is exceeded. De minimis aid legally granted before the merger or acquisition remains legal.

If an undertaking is divided into two or more separate undertakings, the de minimis aid granted before the split is granted to the undertaking which has benefited from it, in principle being the undertaking carrying out the activities for which the "de minimis" aid was used. If such a grant is not possible, the de minimis aid shall be allocated proportionally on the basis of the book value of the equity of the new entity to the effective date of the division.

In determining whether the maximum threshold and the maximum aid intensities allowed under these Guidelines are being taken into account, the total amount of public support measures for the supported action or project will be taken into account regardless of whether this support is funded by local, regional or national sources, or sources from the European Union.

The details of the de minimis received must be duly indicated by the Applicant, as the Partner presents the Statement of De minimis and State Aid (Appendix M).

The Bulgarian Partners shall fill out Appendix M in Bulgarian and the foreign Partners in English.

The Statement of De minimis and State Aid from the Partner(s) shall be submitted by the Applicant at the application stage and subsequently, in case of approval of the project proposal, before the Grant Contract is concluded.

The Programme Operator shall not be liable for any erroneously declared amount of received de minimis resulting in the refusal to conclude a Grant Contract.

If, following the submission of the project proposal, there is a change in the de minimis aid received, the Applicant shall notify the PO in writing within 5 working days.

In accordance with the requirement not to exceed the threshold defined in Art. 3, par. (2) of Regulation (EU) No 1407/2013, the PO shall make a correction to the Grant amount of all project proposals at a technical and financial evaluation stage so as not to breach the thresholds under the Regulation. On the basis of a threshold already reached (with previous aid) under Regulation (EU) № 1407/2013 at the time of application, the Programme Operator will reject the respective project proposal.

In order to ensure compliance with all conditions for the provision of de minimis aid to the Beneficiary, the Programme Operator has developed a checklist for compliance with the requirements of Regulation (EU) № 1407/2013, which is Annex J to the Guidelines for Applicants.De minimis aid shall be considered to have been received from the time the Grant Contract between the PO and the Beneficiary was signed, regardless of the date of its payment to the undertaking and the date on which the Beneficiary made the payment to the Partner. The contract is the act for granting the aid under art. 11 of the State Aid Act (STA) by the aid administrator – Programme Operator, who shall inform the Minister of Finance within three working days about the de minimis aid provided.

According to the provisions of Art. 16 of the State Aid Act, the text of the contract shall indicate the type and amount of the aid, the grounds for its granting, its compatibility and the obligations to the Beneficiary arising from the aid granting .Assistance that is provided in several parts (i.e. when the Beneficiary pays the Partner in parts) shall be discounted to the parts’ amount at the time of delivery. Eligible costs shall be discounted to their value at the time the aid is granted. The interest rate to be used for discounting shall be the discount rate applicable at the time the aid is granted, in accordance with Art. 3, para. 6 of Regulation (EU) No 1407/2013.

Discounting shall be made by the Beneficiary prior to each payment to a Partner in order to ensure that the grant provided is consistent with the thresholds for the type of aid concerned and the cumulation conditions set out in Regulation (EU) No 1407/2013.

In the case of the establishment of unlawfully granted de minimis aid, the Beneficiary shall have to recover the funds received together with interest due from the date of receipt of the aid.

According to Art. 37 of the State Aid Act, the unlawfully obtained de minimis aid shall be a public claim, which is established by PO by issuing an act for establishing the public receivable under the Administrative Procedure Code. Receivables under the issued acts shall be subject to collection by the procedure of the Tax and Social Insurance Procedure Code by the bodies of the National Revenue Agency. The Programme Operator shall be obliged to inform the Minister of Finance within 3 (three) working days from the issuance of the act.

The Programme Operator, in accordance with Art. 17 of the State Aid Act, creates the parameters of the support scheme and requires from the Beneficiary and the Partner to take the necessary measures to ensure their implementation, including to maintain the necessary capacity for the schemes applied.

The Beneficiary and the Partner are required to document and collect all information regarding the implementation of Regulation (EU) No 1407/2013. The documents thus drawn up must contain all the information needed by the aid administrator to demonstrate that the conditions laid down in Regulation (EU) No 1407/2013 have been met. The documentation on individual de minimis aid shall be kept for a period of 10 (ten) budget years from the date of their delivery. The documentation on de minimis aid schemes shall be kept for a period of 10 (ten) budget years from the date on which the last individual aid was granted.

Upon a written request by the PO, the PO through the Ministry of Finance shall provide within the period specified in the request, all information deemed necessary by the Commission to assess whether the conditions under this Regulation, and in particular on the total amount of de minimis aid within the meaning of Regulation (EU) No 1407/2013 and other de minimis Regulations, obtained by each undertaking.

# DURATION OF THE PROJECT

The duration of execution of each project shall not exceed 18 (eighteen) months from the date of entry into force of the Grant Contract, but no later than 30 April 2024.

# SUBMISSION OF PROJECT PROPOSALS

## WAY OF SUBMISSION

The submission of project proposals shall be done entirely electronically by filling in a web-based Application Form and submitting the Application Form and Accompanying Documents through the EU Structural Instruments Management Information System (UMIS 2020) only using the Qualified Electronic signature (QES) through the E-application module at the following web address: <https://eumis2020.government.bg>.

The preparation and submission of the project proposal in the UMIS 2020 is done as follows: The Applicant enters UMIS 2020, after registration via email and password, chooses the current Open Procedure application procedure and creates a new project proposal.

The Project Proposal is prepared by the Applicant according to the PO's instructions given in the Electronic Application Guidelines (Appendix B).

The accompanying documents required by the Applicant's Guide to the Application Form are also submitted in fully electronically. All accompanying documents for which scanned copies are required shall be attached in UMIS 2020 in “.pdf” format. These documents are described in the Application Form prior to filing.

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| **IMPORTANT!**  **The application form and the project budget shall be completed in both languages - Bulgarian and English, and the information in both languages shall be identical. To authenticate the two languages, the Applicant shall make a declaration (Appendix I). In case of discrepancy between the two languages, the Bulgarian language shall prevail.**  **The documents of the foreign Partners shall be submitted in English, or in the language in which they are issued, with their English translation.**  **All other documents shall be submitted only in Bulgarian.** |

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| **IMPORTANT!**  **The project proposal shall submit electronically via UMIS 2020 by signing with QES from a person entitled to represent the Applicant or a person authorized by it. When empowered, an authorizing document signed by a person entitled to represent the Applicant should be attached. It should be clear from the wording of the authorizing document that the person entitled to represent the Applicant authorizes the proxy to submit the project proposal in their name and to sign it with QES.**  **The project proposal shall be submitted from the Applicants’ profile, not from another profile, as this profile will then be used to communicate with the PO and to remove any inaccuracies detected during the evaluation of the project proposals. During the "Project Proposal Assessment" stage the communication with the Applicant and the revision of the identified inaccuracies of the submitted project proposal will be done electronically via the profile of the UMIS 2020 Applicant, from which the respective project was submitted and changes to the specified profile (incl. the email address associated with that account) are ineligible.**  **Not later than the completion of the Evaluation Committee's work, the Applicant has the opportunity to withdraw its project proposal by submitting a written request to the PO, this fact being registered by an UMIS user from the PO with the respective rights.**  **Please note that only the application form and application documents shall be evaluated. Therefore, it is extremely important that these documents contain all the necessary information.** |

## LIST OF DOCUMENTS TO BE SUBMITTED AT THE APPLICATION STAGE

Applicants under the Grant procedure shall submit the following documents in full together with the Application Form electronically through the UMIS 2020:

1. Document for authorization to submit the project proposal with QES (if applicable) - signed, dated, scanned and attached to UMIS 2020;
2. Declaration that the Applicant is familiar of the terms of the application, that he / she will be directly responsible for the management and implementation of the project activities, that he/she certifies that the information in the two languages is identical ​​and for participation of consultants in the preparation of the project proposal, filled in on a template (Appendix I) - signed, dated, scanned and attached to UMIS 2020;
3. Decision of consent of the executive body heading the Applicant to apply under this procedure when the Applicant is a collective body, respectively a statement of consent of the executive body heading the Applicant, when it is a single body, to apply under this procedure, or a decision of the municipal council expressing its consent for the municipality to apply under this procedure, and if applicable, giving its consent for cooperation with the Partner/s - a copy scanned and attached in UMIS 2020;
4. Document showing that the Applicant is the owner of the building, respectively each of the buildings where the system for heating and/or cooling, using geothermal energy, will be built or reconstructed, or the building has been provided for management to the Applicant or the administration it represents - a copy scanned and attached in UMIS 2020;
5. Declaration for lack of economic activity and sustainability of the project (Appendix H)
6. Declaration of lack of grounds for ineligibility under item 8.2 signed by the applicant's legal representative (Appendix K) - signed, dated, scanned and attached in UMIS 2020;
7. Draft Partnership Agreement (Appendix O) / Letter of Intent for Partnership – a copy, scanned and attached in UMIS 2020;
8. Energy Audit Report(s) for external artificial lighting system(s) – a copy, certified, signed and stamped, scanned and attached in UMIS 2020
9. Investment project- –(in a phase of technical and detailed designs) – a copy, certified, signed and stamped, scanned and attached in UMIS 2020;
10. A document which evidently shows that the Investment Project has been agreed and approved in accordance with the requirements of the Spatial Development Act or that the Investment Project is not subject to coordination and approval - a copy, signed and stamped, scanned and attached in UMIS 2020;
11. Valid Underground Water Intake Permit or Mineral Water Intake Permit (if applicable) - a copy, signed and stamped, scanned and attached in UMIS 2020;
12. Valid Permit for use of a groundwater site for reinjection/injection of water into groundwater sites through existing/new facilities (if applicable) - a copy, signed and stamped, scanned and attached in UMIS 2020;
13. Declaration of the existence/absence of double financing (Appendix N) - signed, dated, scanned and attached to UMIS 2020;
14. CVs of project management team members - Team Leader, Technical Expert and Financial Expert (Appendix P) - signed, scanned and attached in UMIS 2020;

All declarations by the Applicant shall be signed by the legal representative of the Applicant.

The Applicant shall also present the documents relating to the Partner(s) if there are such:

1. Certificate of registration (or similar document) issued by the competent authority of the respective country - a copy, scanned and attached in UMIS 2020;
2. Latest approved Statute (or similar document)/Reference/Information from the official website of the Partner or any other document proving that the partner has experience or expertise in the use of RES - a copy, scanned and attached to UMIS 2020;
3. Declaration of lack of grounds for ineligibility of the Partner under item 9.2. of the Application Guidelines (Appendix L) - signed, dated, scanned and attached to UMIS 2020;
4. Declaration of De minimis and State Aid - completed in a form (Appendix M) - signed, dated, scanned and attached to UMIS 2020;
5. Certificate of code of economic activity according to data for the last completed financial year, issued by the National Statistical Institute or an equivalent document for the foreign partners for the last completed financial year, or for the foreign Partners - links to similar registers according to the legislation of the respective country - a copy, scanned and attached in UMIS 2020.

All foreign Partner’s documents shall be presented in English or in their original language translated in English.

## DEADLINE FOR SUBMISSION OF PROJECT PROPOSALS

The deadline for submitting project proposals is 17:00 on 10.09.2021

## ADDRESS FOR SUBMISSION OF PROJECT PROPOSALS

Project proposals under this procedure shall be submitted fully electronically via UMIS 2020 to the following Internet address: <https://eumis2020.government.bg>.

# SELECTION OF PROJECT PROPOSALS

Project proposals shall be selected through a project selection procedure organized in accordance with the clauses and provisions of Art. 7.4 of the Regulation, the national legislation and the Management and control system of the Programme Operator.

All submitted project proposals shall be evaluated in accordance with the criteria described in these Guidelines. The evaluation shall be carried out in the Unified Information Management System UMIS 2020, in an evaluation session will be included only project proposals submitted provided within the set deadline.

Under this procedure, each Applicant may submit only one project proposal. If the same Applicant has submitted more than one project proposal, the Evaluation Committee will only consider the latest submitted project proposal and the previous one(s) will be considered withdrawn.

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| **IMPORTANT!**  **Project proposal received after the deadline shall be registered but shall not be reviewed and evaluated. The Applicant shall be notified via the UMIS 2020 communication module.** |

The evaluation and selection of project proposals shall take place in three stages:

Stage 1: Assessment of administrative compliance and eligibility (AACE);

Stage 2: Technical and Financial Evaluation (TFE);

Stage 3: Project Selection (PS).

For implementing those three stages, the PO shall appoint an Evaluation Committee and a Project Selection Committee:

**Evaluation Committee** (EC) – implementing Stage 1 and Stage 2

The Evaluation Committee shall consist of:

* Chairman (non-voting) - guiding and coordinating the evaluation process;
* Secretary (non-voting) - providing technical and administrative assistance in the evaluation process;
* Experts nominated by the PO to perform the "Administrative compliance and eligibility" (ACE);
* Experts to perform the Technical and Financial Evaluation (TFE) stage.

The Evaluation Committee (EC) shall complete its work within 3 months. The experts shall assess the applications independently and separately.

Any Applicant's attempt to influence the evaluation process in any way (for example, by initiating/establishing contact with a participant in the evaluation process) shall be reviewed within the Evaluation Committee and can lead to the removal of the relevant project proposal from the evaluation process.

**The Selection committee** - implementing Stage 3

It shall consist of at least five voting members, which include representatives of the PO and the Donor Programme Partners, NVE and OS, and at least one voting member external to the PO and the partners.

In carrying out the evaluation and selection of project proposals, the PO shall follow the following principles:

* Good financial management;
* Publicity and transparency.
* Application Guidelines, as well as the requirements for the project proposals and the criteria for their evaluation are published in advance. Additional criteria for assessing or amending the criteria during the procedure are not allowed.
* Up to 14 days from the date of signing the Grant Contract information on the assistance provided shall be published (List of concluded contracts) on the PO's website and on the Single Information Portal.
* Free and fair competition. Project proposals evaluation and Grant awarding shall be carried out in the absence of a conflict of interest and equal treatment of all Applicants.
* Equality and non-discrimination. Project proposals proposed for funding must be evaluated in accordance with the published criteria for the evaluation of project proposals and the uniform application of the rules to all applicants.
* Prohibition of double funding. Grants cannot be granted for finance costs already financed by public funds other than those of the Beneficiary. Prior to concluding a contract with the Beneficiaries whose project proposals are approved for funding, a check shall be made for the lack of double funding of the projects and, in the event that there is a double financing of a project or activity, the Head of PO shall issue a motivated decision for refusal to award the Grant to the Applicant.
* Compliance with the threshold of eligible state and / or de minimis aid when applying for the type of aid concerned. In the event that prior to the conclusion of a contract, an exceedance of the threshold of eligible state / de minimis aid for the Partner is established, the PO's Head shall issue a reasoned decision to refuse Grant awarding to the Applicant.
* Speed of the evaluation process. All participants in the evaluation process shall be required to complete the evaluation of the project proposals within the time limit set in the order for the appointment of the evaluation committee.
* Confidentiality of the evaluation process. The entire evaluation process of project proposals shall take place in confidentiality terms from the start of the project to the approval of the evaluation results. During this period no information regarding the assessment or the decisions of the Evaluation Committee can be disclosed to third parties not participating in the evaluation procedure.
* Persons included in the Evaluation Committee shall not be responsible for the implementation and financial reporting of projects approved for funding.

## ASSESSMENT OF ADMINISTRATIVE COMPLIANCE AND ELIGIBILITY

At this stage, it is assessed whether the project proposal meets all the eligibility and administrative criteria in accordance with PO requirements as published in Appendix A to the Application Guidelines.

The assessment of the administrative compliance and eligibility of each project proposal shall be carried out by two members of the Evaluation Committee independently of each other, who may be PO or external experts appointed by PO.

When a check on a project proposal reveals a lack of document and/or discrepancy, a letter shall be sent to the Applicant requesting additional documents/information. The letter shall set a reasonable deadline for the removal of the inconsistencies referred to therein which may not be shorter than five working days and shall be the same for all the Applicants in the procedure. If, after their additional requirement, the documents are not provided by the Applicant or are presented but not in accordance with the Application Guidelines or other applicable requirements, the project proposal shall be rejected. or at the next evaluation stage the project proposal shall be assessed taking into account the absence of the relevant document or the corresponding expenditure in the budget may not be approved for funding. The clarifications and documents submitted by the Applicants may not lead to a qualitative improvement of the project proposal.

The communication with the Applicants shall be done through the UMIS 2020, and a request for additional information shall be sent via the Communication module to the email address specified in the Applicant's profile. The notification about additional documents/ removal of inconsistencies shall be sent by sending a question to the applicants via UMIS 2020 by a session administrator. The submitted notification of removal of irregularities shall be deemed to have been received by the Applicant by sending it to UMIS 2020. The submitted response to a question from the Applicant shall be deemed to have been received by the Evaluation Committee by sending it to UMIS 2020. On the basis of the information received, the Evaluation Committee shall edit only this section of the Form where additional information is needed.

Applicants can withdraw their project proposals from the evaluation process with a written application to the Head of PO, in which case the consideration of the withdrawn proposal shall be suspended.

When performing the check, the two experts shall independently complete checklists according to criteria that are non-sectional to the Application Guidelines.

Based on the verification of administrative compliance and eligibility of the Applicant/Partner, the Chairman of the Evaluation Committee prepares a protocol for the completed stage of administrative compliance and eligibility of the Applicant/Partner, together with a list of projects not admitted to the Technical and Financial Assessment Stage and the reasons for this. The rejected Applicants shall be notified by sending a separate notification to each of them via the Communication Module at UMIS 2020. The date of receipt of the notification by the Applicant shall be the date of dispatch by UMIS 2020, whether or not notification has been received at the e-mail address to the Applicant's profile. The notice to the Applicant shall state the manner and deadline for submission of objections.

Only project proposals successfully passed AACE are subject to TFE and selection.

## FILING AND EXAMINATION OF OBJECTIONS

An Applicant whose project proposal is proposed to be rejected by the Evaluation committee because it does not meet the requirements of administrative compliance and eligibility may file an objection to the PO.

The notification to the Applicant shall state the manner and deadline for filing objections. The Programme Operator shall not be responsible if the Applicant do not receive the correspondence notifications.

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| **IMPORTANT!**  **Examination of objections shall not stop the Technical and financial evaluation procedure for project proposals that have successfully passed AACE.** |

The objection shall be submitted to the Head of the PO within one week of the notification. The objection shall be submitted through UMIS.

Objections that have been filed after the deadline or have not been filed in the prescribed manner shall be left unanswered, and the Head of the PO announces a resolution.

No new documents and data that were not part of the submitted project proposal, nor the documents submitted at the request of the Evaluation Committee, can be submitted with the objection.

The objections shall be examined by experts appointed by the Head of the PO.

The criteria for checking the administrative compliance and eligibility under this selection procedure shall be applied to the examination of the objections raised and to the verification of their reasonableness. No new criteria can be added, as well as additional documents required from the Applicants.

On the basis of a written statement by an expert, the Head of the PO takes the final decision:

* to return the project proposal for consideration to the technical and financial evaluation stage when the Applicant's objection is justified, or
* to dismiss the objection when it is unfounded.

The Manager of the PO shall decide on the objections by a resolution on each written statement.

The examination of the objections and the pronouncement by the Head of the PO shall be carried out within one week after expiry of the deadline for submitting objections.

The objections that have been left without consideration and the objections that are unfounded shall remain part of the documentation of the procedure.

Where an objection is justified, a Technical and financial evaluation shall be made on the project proposal.

The Chairman of the Evaluation Committee shall notify every Applicant who has raised an objection, about the outcome of his / her objection examination.

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| **IMPORTANT!**  **The Programme Operator shall not consider recurring and/or additional objections from the Applicants included in the list of project proposals that are not eligible for Technical and financial evaluation and sent after the specified deadline.** |

## TECHNICAL AND FINANCIAL EVALUATION

The technical and financial evaluation of the project proposal (TFE) is a substantive evaluation process of the project proposals, which shall be carried out in accordance with the assessment criteria described in Appendix A to the Application Guidelines. The evaluation criteria are not subject to amendment during the procedure.

The technical and financial evaluation shall be done only for the project proposals that have successfully passed AACE. **Each project proposal shall be reviewed by two impartial experts appointed by the Programme Operator, at least one of which shall be independent of the Programme Operator and the Selection Committee.**

The experts shall separately score the project according to the criteria in Appendix A. For the purposes of ranking the projects, the average of the scores awarded by the experts shall be used. If the difference between the scores given by the two experts is more than 20% of the higher score, a third expert, who shall be impartial and independent of the Programme Operator and the Selection Committee, shall be commissioned by the Programme Operator to score the project independently. In such cases, the average score of the two closest scores shall be used for the ranking of the projects.

The technical and financial evaluation of the project proposals shall include the verification and evaluation of the feasibility, effectiveness and eligibility of all planned activities and costs. If the experts that perform the technical and financial evaluation find circumstances (such as ineligible activities, ineligible and/or unrealistic costs, duplication of pledged activities and/or costs, etc.) included in the TFE process, this may lead to a change in the budget of the project proposal (point 5 of the Application Form). It should be borne in mind that budget changes cannot lead to an increase in the amount of the Grant.

Budget adjustments for discrepancies between the foreseen activities (item 7 of the Application Form) and the types of foreseen costs (item 5 of the Application Form) as well as duplication of costs will be made after further explanation is requested from the Applicant, with a deadline of five days. The adjustments made to the budget data cannot lead to an increase in the amount or intensity of the Grant provided in the submitted project proposal, inability to meet the objectives of the project or the project activities and to improve the quality of the project proposal (cannot lead to increase in the points received for any of the evaluation criteria).

Further information may only be provided by the applicant at the request of the Evaluation Committee and the information should not contain elements leading to an improvement of the original project proposal. Upon failure of the Applicant to provide the requested additional information or clarifications in time, the project proposal shall be assessed in the absence of the relevant document / information, with a smaller number of points or the corresponding costs in the budget shall not be recognized. Any information provided outside the officially requested by the Evaluation committee shall not be taken into account.

During the technical and financial evaluation an inspection is carried out for lack of double funding under the proposed projects and an inspection for received state and de minimis aid. The checking is performed by all available methods, including, but not limited to, checking of the information in UMIS 2020, inquiries to other financing institutions, check in Internet. At this stage, Appendix J “Checking of compliance with the requirements of Regulation (EU) 1407/2013” has to be filled in.

A Preliminary Protocol containing three preliminary project Lists shall be prepared: list with projects proposed for rejection and grounds for rejection, list with projects proposed for funding and list with reserve projects. In the last two lists the projects shall be ranked according to the number of awarded points.

At this stage, a check for double funding on the proposed projects and a check for received state and de minimis aids shall be made. Verification shall be done through all available methods, including, but not limited to: verification of information in UMIS 2020, queries to other funding institutions, check in Internet. With regard to costs for which double funding has been established, the Evaluation Committee shall take a reasoned decision to reject the project proposal.Where an entity participating as a Partner in a project proposal is found to exceed the maximum threshold for the accumulation of de minimis, the costs for participation of the respective Partner shall be reduced so that they do not exceed the relevant maximum threshold for accumulation of de minimis. In case the reduction of the costs leads to complete elimination of the Partner's costs envisaged in the project proposal, the Evaluation Committee sends a written request to the Applicant stating that the estimated costs of the Partner have been eliminated. Within the period specified by the Evaluation Committee, the Applicant shall send an answer, stating its consent/disagreement for the project to be implemented with a Partner/without a Partner.

The reduction shall be effected by successive drop-outs of the Partner from one or more projects that have been evaluated at the Technical and financial evaluation stage and have not been rejected, starting from the project with the least awarded points in ascending order.

The project proposal from which a Partner is removed shall be returned for new Technical and financial evaluation, but the re-evaluation cannot result in higher points for any of the evaluation criteria.

As a result of the described reassessment there can be possible shifts in the three preliminary lists of projects.

This stage shall end up with a protocol containing three lists of projects: list of projects proposed for funding, list of projects proposed for rejection and reasons for their rejection, and a list of reserve projects.

The technical process related to the submission of additional information/documents is described in the UMIS 2020 User Guide for E-Application Module User Guidance.

## PROJECT SELECTION

The Programme Operator shall create a Project Selection Committee (SC). The Selection Committee shall examine the TFE stage protocol and three lists of projects attached to it: a list of project proposals suggested for funding, a list of proposals suggested for rejection and reasons for their rejection, and a list of reserve project proposals.The Selection Committee shall consist of at least five voting members and shall include representatives of the PO and Donor Programme Partners, NVE and OS, and at least one voting member external to the PO and the partners. There should be an equal number of representatives of the Programme Operator on one hand and of the Partners, on the other hand. The FMC and the National Focal Point shall be invited to participate in the Selection Committee meetings as observers.

Members of the SC shall be provided with a list of all projects, which will also include their points.

The Committee may decide to change the ranking of projects by unanimous vote of the voting members in justified cases, in accordance with objective and generally accepted criteria related to the objectives of the Programme. The justification for the change of ranking shall be described in detail in a record of the SC meeting. The minutes of the SC meeting should include at least the following:

* A list of projects proposed for financing in order of rank and grant amount;
* A list of reserve project proposals;
* A List of rejected project proposals and reasons for their rejection;
* A List of withdrawn project proposals during the evaluation process (if applicable);
* Reasons and justification for changing the ranking of project proposals (if applicable).

Upon completion of the PSC's work, a report from the selection procedure shall be submitted to the Head of PO, which shall contain - the AACE, TFE, minutes of the SC meeting, as well as the annexes thereto.

The Head of the PO shall check that the selection process has been conducted in accordance with the Regulation and the corresponding legislative framework and whether the decision on the proposal for funding of the Selection Committee is in accordance with the Programme's rules and objectives. Following this check, the Head of the PO, based on the SC's Decision, shall take the final decision for projects funding.

The PO Head may:

* Approve the report presented by the Chair of the SC;
* Return the report of the SC by requesting repeating the selection process in the event of a violation of the procedure if it can be remedied;
* Disallow the report when a serious violation of the procedure is found;
* Change the decision of the SC in justified cases by announcing the reasons for the change in its decision;
* Issue a Grant award to the approved projects and motivate its refusal to fund non-approved projects.

The Programme Operator shall provide to FMC a list of projects selected for funding no later than 2 weeks after the grant decision.

# PROCEDURE FOR NOTIFICATION OF THE FAILED AND APPROVED APLICANTS AND CONCLUDING GRANT CONTRACTS

The Programme Operator shall notify the Applicants of the results of the evaluation and selection process within a reasonable time and publish a list of the successful applicants on the EEA Grants website (www.eeagrants.bg). Applicants may request further clarification as to the reasons for their ranking. The decision may be appealed to the court under the Administrative Procedure Code. When the change of the projects ranking by the Selection Committee leads to the rejection of a project or if the PO amends the decision of the Selection Committee, the PO notifies the affected Applicants and provides them with a justification for the change.

A letter of notification signed by the Head of the PO or a person authorized by him / her shall be sent to each approved Applicant with instructions on the necessary documents, the dead line and the manner of their submission. The letter shall state at least the following information:

* Final amount of grant of the approved project;
* Budget changes made by the Evaluation Committee (if applicable);
* Documents that the Applicant has to provide, as well as the required number of copies;
* Period within which the Applicant must provide the documents listed.

The time term for submission of the documents may not be shorter than 5 working days.

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| **IMPORTANT!**  **To conclude a Grant Contract the Applicant shall provide:**  **- documents issued by the relevant competent authorities, of the circumstances for which such documents are issued or certified copies thereof (in cases where the information cannot be verified by an official means);**  **- declarations for all other circumstances not previously declared, or where there has been a change in circumstances already declared.** |

To conclude a Grant Contract the Applicant shall provide the following documents in their original:

1. Power of attorney/Document of entitlement when, at the time of signing the contract, the Applicant is represented by a person other than his/her legal representative, an original or a notary certified copy;
2. Partnership Agreement in the original signed by the Applicant and the Partner(s) (Appendix O);
3. Declaration on Irregularities and Fraud (Appendix E) - signed by a person entitled to represent the Applicant;
4. Application for an account of the Head of the Beneficiary for access to UMIS 2020 (Appendix Q) and/or Application for an account of persons authorized by the Beneficiary for access to UMIS 2020 (Appendix R) - signed by a person eligible to represent the Applicant;
5. Statement of De minimis and State Aid (if applicable, Appendix M);

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| **IMPORTANT!**  **Upon signing a Grant Contract, the Applicant shall submit in paper format all the documents attached to the Grant Contract, including those submitted electronically at the application stage. For circumstances that have changed since the application date, the declaration in which these circumstances are declared shall be re-signed and submitted in the original on paper also at the negotiation stage.** |

Prior to concluding a Grant Contract, it shall be checked whether changes have occurred since the Grant awarding decision was issued, relating to double funding or the granting of State/De minimis Aid.

The Applicant shall provide the documents requested under this clause to the following address:

**MINISTRY OF ENERGY**

**8, Triaditsa Str.**

**1000 SOFIA, BULGARIA**

**Procedure "Use of geothermal energy for heating or for heating & cooling in state or municipal buildings"**

The PO Head shall issue a motivated decision to reject applicants that do not meet the requirements for a beneficiary or project, have not submitted evidence on time, have refused to sign a contract or in respect of whom the presence of double funding or received state aid/de minimis aid was established that prevents Grant from being awarded under the procedure.

Decisions may be appealed to the court in accordance with the Administrative Procedure Code.

# APPENDICES:

1. Information documents

Appendix A: Criteria and methodology for evaluation of project proposals

Appendix B: User Guide for E-Application Module in UMIS 2020 (June 10, 2019).

Appendix C: Information and Communication Manual

Appendix D: Table of the results of this procedure

Appendix E: Declaration on the definition of Irregularity and Fraud

Appendix F: Grant Contract

Appendix G: General Terms and Conditions

Appendix J: Checking of compliance with Regulation (EU) №1407 / 2013

Appendix Q: Application for a profile with access to UMIS 2020 for the Beneficiary’s team leader

Appendix R: Application for a profile with access to UMIS 2020 for experts, authorised by the Beneficiary

1. Documents to fill in

Appendix H: Declaration for lack of economic activity and for sustainability of the project

Appendix I: Declaration that the Applicant is familiar with the application terms, that he / she will be directly responsible for the management and implementation of project activities, that he/she certifies that the information in of the two languages ​​is identical and for participation of consultants in the preparation of the project proposal

Appendix K: Declaration of lack of grounds for ineligibility of the Applicant

Appendix L: Declaration of lack of grounds for ineligibility of the Partner

Appendix M: Declaration of De minimis and State Aid

Appendix N: Declaration of the existence / absence of double financing

Appendix O: Partnership Agreement Template

Appendix P: Curriculum vitae template